

FCC MAIL STOP 100

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-180
FM Table of Allotments,)	MM Docket No. 00-59 ✓
FM Broadcast Stations.)	RM-9583
(Cloverdale, Point Arena, and)	RM-9734
Cazadero, California) ¹)	RM-9759

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 30, 2000

Released: September 15, 2000

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making* in MM Docket No. 99-180, DA 98-1203, 64 FR 32090 (June 7, 1999), issued at the request of Mountain West Broadcasting ("Mountain West") requesting the allotment of Channel 274A at Cloverdale, California, as the community's first aural transmission service. Point Broadcasting ("Point") filed a counterproposal requesting the allotment of Channel 274A at Cazadero, California. Mountain West filed timely comments restating its interest in Channel 274A at Cloverdale. Cloverdale Broadcasting Company and SAE Broadcasting Company filed comments in support of the allotment at Cloverdale and pledged to file applications for the channel, if allotted.

2. The Allocations Branch also has before it a *Notice of Proposed Rule Making* in MM Docket No. 00-59, 15 FCC Rcd 10,132 (2000), issued at the request of Point, proposing the substitution of Channel 296A for 296B1 at Point Arena, California, and the reallocation of Channel 296A from Point Arena to Cloverdale, California. In the *Notice of Proposed Rule Making* in MM Docket No. 00-59, we noted that both proceedings involve the same community of Cloverdale and that we may combine the dockets into a single *Report and Order*. Although the two proposals are not technically mutually exclusive, we will combine them for administrative ease and efficiency because they involve a common community.

3. With respect to MM Docket No. 99-180, we turn first to the status of each locality as a community for allotment purposes. Cloverdale is an incorporated community with a 1990 U.S. Census population of 4,924 persons. It also has businesses, organizations, churches, schools, and an auxiliary fire department. On the other hand, Cazadero is unincorporated as a city or a village, is without Census recognition as a designated place, but it is in the Rand McNally Atlas which attributes it with a population of 600 persons. As Point notes, there appear to be a number of businesses that associate themselves with the name Cazadero, but there is no substantiation that these businesses comprise a community for allotment purposes. As such, Cazadero has minimal indicia of community.

¹ The community of Cazadero, California, has been added to the caption.

4. We will grant the allotment of Channel 274A to Cloverdale. A comparison of the communities indicates that a grant of the allotment to Cloverdale will result in the preferential arrangement of allotments. Cloverdale is an incorporated community and has a much larger population. In addition, several parties have filed comments expressing interest in applying for a channel at Cloverdale.

5. Turning to MM Docket No. 00-59, having found that the community of Cloverdale is deserving of an allotment, we must consider whether it should receive a first competitive service or whether the community of Point Arena, population 407 persons, should retain a competitive service. We believe that a grant to Cloverdale is the preferential arrangement of allotments. Channel 298B1 is also allotted to Point Arena and an application for construction permit was granted on June 8 2000 to Del Mar Trust.² We note that Station KSRT(FM) is an unbuilt station and therefore there is no actual loss of service involved in this matter. However, a Commission engineering analysis shows that a significant amount of the projected Station KSRT(FM) service area at Point Arena would have been over the Pacific Ocean, which limits the projected number of persons in the theoretical loss area to approximately 40,000. In addition, this area continues to be well served with at least five reception services. Our analysis also shows that approximately 34,000 persons will gain a service when Channel 296A is reallocated to Cloverdale.

6. Accordingly, we will allot Channel 274A to Cloverdale as a first local aural transmission service and we will substitute Channel 296A for Channel 296B1 at Point Arena and reallocate Channel 296A to Cloverdale as its first competitive service.

7. Our engineering analysis shows that Channel 274A can be allotted at Cloverdale consistent with the minimum distance separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules with a site restriction of 7.5 kilometers (4.7 miles) south of the community.³ Channel 296A can be allotted at Cloverdale consistent with the minimum distance separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules at Point's requested site 0.8 kilometers (0.5 miles) south of the community.⁴

8. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 30, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Cloverdale, California	274A, 296A
Point Arena, California	298B1

9. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this *Order*, to the following:

² See File No. BPH-199650206MK.

³ Channel 274A can be allotted at Cloverdale at coordinates 38-44-22 and 123-32-34.

⁴ Channel 296A can be allotted at Cloverdale at coordinates 38-48-00 and 123-01-00.

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10. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the authorization of Station KSRT(FM) IS MODIFIED to specify operation on Channel 296A at Cloverdale, California, subject to the following conditions:

- (a) Within 90 days of the effective date of this *Order*, the licensee/permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

11. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Point Broadcasting, licensee of Station KSRT(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

12. The counterproposal filed by Point Broadcasting in MM Docket No. 99-180 IS DISMISSED.

13. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

14. For more information regarding this proceeding, contact Victoria M. McCauley, Mass Media Bureau (202) 418-2136.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
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